

Richmond, state of Virginia. In convention, Wednesday, the 25th of June, 1788

RICHMOND, *State of* VIRGINIA. IN CONVENTION, WEDNESDAY, *the 25th of* JUNE, 1788.

THE Convention, according to the order of the day, resolved itself into a Committee of the whole Convention, to take into farther consideration, the proposed Constitution of Government for the United States; and after sometime spent therein, Mr. President resumed the chair, and Mr. Mathews reported, that the Committee had, according to order, again had the said proposed Constitution under their consideration, and had gone through the same, and come to several resolutions thereupon, which he read in his place, and afterwards delivered in at the clerk's table, where the same were again read, and are as followeth;

WHEREAS the powers granted under the proposed Constitution are the gift of the people, and every power not granted thereby, remains with them, and at their will; No right therefore of any denomination, can be cancelled, abridged, restrained or modified by the Congress, by the Senate or House of Representatives, acting in any capacity, by the President, or any department or officer of the United States, except in those instances in which power is given by the Constitution for those purposes: And among other essential rights liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States;

AND WHEREAS any imperfections which may exist in the said Constitution ought rather to be examined in the mode prescribed therein for obtaining amendments, than by a delay with a hope of obtaining previous amendments, to bring the Union into danger;

Resolved, That it is the opinion of this Committee, That the said Constitution be ratified.

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But in order to relieve the apprehensions of those, who may be solicitous for amendments, *Resolved, That it is the opinion of this Committee, That whatsoever amendments may be deemed necessary be recommended to the consideration of the Congress, which shall first assemble under the said Constitution, to be acted upon according to the mode prescribed in the fifth article thereof.*

The first resolution being read a second time, a motion was made, and the question being put to amend the same by substituting in lieu of the said resolution and its preamble, the following resolution; *Resolved, That previous to the ratification of the new Constitution of Government recommended by the late Federal Convention, a declaration of rights asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most exceptionable parts of the said Constitution of Government, ought to be referred by this Convention to the other states in the American confederacy for their consideration;*

It passed in the negative—Ayes 80—Noes 88.

On motion of Mr. Patrick Henry, seconded by Mr. Theodorick Bland, the ayes and noes on the said question were taken as followeth; **AYES**— Mr. Edmund Custis, Mr. John Pride, Mr. Edmund Booker, Mr. William Cabell, Mr. Samuel Jordan Cabell, Mr. John Trigg, Mr. Charles Clay, Mr. Henry Lee, (of Bourbon) The Honorable John Jones, Mr. Binns Jones, Mr. Charles Patteson, Mr. David Bell, Mr. Robert Alexander, Mr. Edmund Winston, Mr. Thomas Read, Mr. Benjamin Harrison, The Honorable John Tyler, Mr. David Patteson, Mr. Stephen Pankey, jun. Mr. Joseph Michaux, Mr. Thomas H. Drew, Mr. French Strother, Mr. Joel Early, Mr. Joseph Jones, Mr. William Watkins, Mr. Meriwether Smith, Mr. James Upshaw, Mr. John Fowler, Mr. Samuel Richardson, Mr. Joseph Haden, Mr. John Early, Mr. Thomas Arthurs, Mr. John Guerrant, Mr. William Sampson, Mr. Isaac Coles, Mr. George Carrington, Mr. Parke Goodall, Mr. John Carter Littlepage, Mr. Thomas Cooper, Mr. John Marr, Mr. Thomas Roane, Mr. Holt Richeson, Mr. Benjamin Temple, Mr. Stephens Thomson Mason, Mr. William White, Mr. Jonathan Patteson, Mr. Christopher Robertson,

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Mr. John Logan, Mr. Henry Pawling, Mr. John Miller, Mr. Green Clay, Mr. Samuel Hopkins, Mr. Richard [?], Mr. Thomas [?], Mr. Alexander [?], Mr. John [?], Mr. [??], Mr. Abraham Trigg, Mr. Matthew Walton, Mr. John Steele, Mr. Robert Williams, Mr. John Wilson, (of Pittsylvania) Mr. Thomas Tarpin, Mr. Patrick Henry, Mr. Robert Lawson, Mr. Edmund Ruffin, Mr. Theodorick Bland, Mr. William Grayson, Mr. Cuthbert Bullit, Mr. Thomas Carter, Mr. Henry Dickenson, Mr. James Monroe, Mr. John Dawson, Mr. George Mason, Mr. Andrew Buchanan, Mr. John Howel Briggs, Mr. Thomas Edmunds, The Honorable Richard Cary, Mr. Samuel Edmison, and Mr. James Montgomery.

NOES— The Honorable Edmund Pendleton, Esq; President, Mr. George Parker, Mr. George Nicholas, Mr. Wilson Nicholas, Mr. Zachariah Johnson, Mr. Archibald Stuart, Mr. William Dark, Mr. Adam Stephen, Mr. Martin M'Ferran, Mr. William Fleming, Mr. James Taylor (of Caroline) the Honorable Paul Carrington, Mr. Miles King, Mr. Worlich Westwood; Mr. David Stuart, Mr. Charles Simms, Mr. Humphrey Marshall, Mr. Martin Pickett, Mr. Humphrey Brooke, Mr. John Shearman Woodcock, Mr. Alexander White, Mr. Warner Lewis, Mr. Thomas Smith, Mr. George Clendinen, Mr. John Stewart, Mr. William Mason, Mr. Daniel Faher, Mr. Andrew Woodrow, Mr. Ralph Humphreys, Mr. George Jackson, Mr. John Prunty, Mr. Isaac Vanmeter, Mr. Abel Seymour, His Excellency Governor Randolph, Mr. John Marshall, Mr. Nathaniel Burwell, Mr. Robert Andrews, Mr. James Johnson, Mr. Robert Breckenridge, Mr. Rice Bullock, Mr. William Fleet, Mr. Burdit Ashton, Mr. William Thornton, Mr. James Gordon (of Lancaster) Mr. Henry Towles, Mr. Levin Powell, Mr. William Overton Callis, Mr. Ralph Wormeley, jun. Mr. Francis Corbin, Mr. William M'Clerry, Mr. William Riddick, Mr. Solomon Shepherd, Mr. William Clayton, Mr. Burwell Bassett, Mr. James Webb, Mr. James Taylor (of Norfolk) Mr. John Stringer, Mr. Littleton Eyre, Mr. Walter Jones, Mr. Thomas Gaskins, Mr. Archibald Woods, Mr. Ebenezer Zane, the Honorable James Madison, Mr. James gordon (of Orange) Mr. William Ronald, Mr. Anthony Walke, Mr. Thomas Walke, Mr. Benjamin Wilson, Mr. John Wilson (of Randolph) Mr. Walker Tomlin, Mr. William Peachey, Mr. William M'Kee, Mr. Andrew Moore, Mr. Thomas Lewis, Mr. Gabriel Jones, Mr. Jacob Rinker, Mr. John Williams, Mr. Benjamin

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Blunt, Mr. Samuel Kello, Mr. John Hartwell Cocke, Mr. John Allen, Mr. Cole Digges, Mr. Henry Lee (of Westmoreland) Mr. Bushrod Washington, the Honorable John Blair, the Honorable George Wythe, Mr. James Innes, and Mr. Thomas Mathews.

And then the main question being put that the Convention do agree with the Committee in the said first resolution;

It was resolved in the affirmative—Ayes 89—Noes 79.

On motion of Mr. George Mason, seconded by Mr. Patrick Henry, the ayes and noes on the said main question were taken as followeth: **AYES.**— The Honorable Edmund Pendleton, Esq. President, Mr. George Parker, Mr. George Nicholas, Mr. Wilson Nicholas, Mr. Zachariah Johnson, Mr. Archibald Stuart, Mr. William Dark, Mr. Adam Stephen, Mr. Martin M'Ferran, Mr. William Fleming, Mr. James Taylor (of Caroline) the Honorable Paul Carrington, Mr. David Patteson, Mr. Miles King, Mr. Worlich Westwood, Mr. David Stuart, Mr. Charles Simms, Mr. Humphrey Marshall, Mr. Martin Pickett, Mr. Humphrey Brooks, Mr. John Shearman Woodcock, Mr. Alexander White, Mr. Warner Lewis, Mr. Thomas Smith, Mr. George Clendinen, Mr. John Stewart, Mr. William Mason, Mr. Daniel Fisher, Mr. Andrew Woodrow, Mr. Ralph Humphreys, Mr. George Jackson, Mr. John Prunty, Mr. Isaac Vanmeter, Mr. Abel Seymour, His Excellency Governor Randolph, Mr. John Marshall, Mr. Nathaniel Burwell, Mr. Robert Andrews, Mr. James Johnson, Mr. Robert Breckenridge, Mr. Rice Bullock, Mr. William Fleet, Mr. Burdet Ashton, Mr. William Thornton, Mr. James Gordon (of Lancaster) Mr. Henry Towles, Mr. Levin Powell, Mr. William Overton Callis, Mr. Ralph Wormeley, jun. Mr. Francis Corbin, Mr. William M'Clerry, Mr. Willis Riddick, Mr. Solomon Shepherd, Mr. William Clayton, Mr. Burwell Bassett, Mr. James Webb, Mr. James Taylor (of Norfolk) Mr. John Stringer, Mr. Littleton Eyre, Mr. Walter Jones, Mr. Thomas Gaskins, Mr. Archibald Woods, Mr. Ebenezer Zane, the Honorable James Madison, Mr. James Gordon (of Orange) Mr. William Ronald, Mr. Anthony Walker, Mr. Thomas Walke, Mr. Benjamin Wilson, Mr. John Wilson (of Randolph) Mr. Walker Tomlin, Mr. William Peachey, Mr. William M'Kee, Mr. Andrew Moore, Mr. Thomas Lewis, Mr.

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Gabriel Jones, Mr. Jacob Rinker, Mr. John Williams, Mr. Benjamin Blunt, Mr. Samuel Kello, Mr. John Hartwell Cocke, Mr. John Allen, Mr. Cole Digges, Mr. Henry Lee (of Westmoreland) Mr. Bushrod Washington, the Honorable John Blair, the Honorable George Wythe, Mr. James Innes, and Mr. Thomas Mathews.

NOES.— Mr. Edmund Custis, Mr. John Pride, Mr. Edmund Booker, Mr. William Cabell, Mr. Samuel Jordan Cabell, Mr. John Trigg, Mr. Charles Clay, Mr. Henry Lee (of Bourbon) the Honorable John Jones, Mr. Binns Jones, Mr. Charles Patteson, 2 [2] Mr. David Bell, Mr. Robert Alexander, Mr. Edmund Winston, Mr. Thomas Read, Mr. Benjamin Harrison, the Honorable John Tyler, Mr. Stephen Pankey, jun. Mr. Joseph Michaux, Mr. Thomas H. Drew, Mr. French Strother, Mr. Joel Early, Mr. Joseph Jones, Mr. William Watkins, Mr. Meriwether Smith, Mr. James Upshaw, Mr. John Fowler, Mr. Samuel Richardson, Mr. Joseph Haden, Mr. John Early, Mr. Thomas Arthurs, Mr. John Guerrant, Mr. William Sampson, Mr. Isaac Coles, Mr. George Carrington, Mr. Parke Goodall, Mr. John Carter Littlepage, Mr. Thomas Cooper, Mr. John Marr, Mr. Thomas Roane, Mr. Holt Richeson, Mr. Benjamin Temple, Mr. Stephens Thomson Mason, Mr. William White, Mr. Jonathan Patteson, Mr. Christopher Robertson, Mr. John Logan, Mr. Henry Pawling, Mr. John Miller, Mr. Green Clay, Mr. Samuel Hopkins, Mr. Richard Kennon, Mr. Thomas Allen, Mr. Alexander Robertson, Mr. John Evans, Mr. Walker Crocket, Mr. Abraham Trigg, Mr. Matthew Walton, Mr. John Steele, Mr. Robert Williams, Mr. John Wilson (of Pittsylvania) Mr. Thomas Turpin, Mr. Patrick Henry, Mr. Robert Lawson, Mr. Edmund Ruffin, Mr. Theodorick Bland, Mr. William Grayson, Mr. Cuthbert Bullit, Mr. Thomas Carter, Mr. Henry Dickenson, Mr. James Monroe, Mr. John Dawson, Mr. George Mason, Mr. Andrew Buchanan, Mr. John Howell Briggs, Mr. Thomas Edmunds, the Honorable Richard Cary, Mr. Samuel Edmison, and Mr. James Montgomery.

The second resolution being then read a second time, a motion was made and the question being put to amend the same by striking out the preamble thereto;

It was resolved in the affirmative,

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And then the main question being put that the Convention do agree with the Committee in the second resolution so amended;

It was resolved in the affirmative.

On motion, *Ordered*, That a Committee be appointed to prepare and report a form of ratification, pursuant to the first resolution; and that his Excellency Governor Randolph, Mr. Nicholas, Mr. Madison, Mr. Marshall, and Mr. Corbin, compose the said Committee.

On motion, *Ordered*, That a Committee be appointed to prepare and report such amendments as shall by them be deemed necessary to be recommended, pursuant to the second resolution; and that the Honorable George Wythe, Mr. Harrison, Mr. Mathews, Mr. Henry, His Excellency Governor Randolph, Mr. George Mason, Mr. Nicholas, Mr. Grayson, Mr. Madison, Mr. Tyler, Mr. John Marshall, Mr. Monroe, Mr. Ronald, Mr. Bland, Mr. Meriwether Smith, the Honorable Paul Carrington, Mr. Innes, Mr. Hopkins, the Honorable John Blair, and Mr. Simms, compose the said Committee.

His Excellency Governor Randolph reported, from the Committee appointed, according to order, a form of ratification, which was read and agreed to by the Convention, in the words following:

VIRGINIA, TO WIT:

WE the Delegates of the people of Virginia, duly elected in pursuance of a recommendation from the General Assembly, and now met in Convention, having fully and freely investigated and discussed the proceedings of the Federal Convention, and being prepared as well as the most mature deliberation hath enabled us, to decide thereon, **DO** in the name and in behalf of the people of Virginia, declare and make known that the powers granted under the Constitution, being derived from the people of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them and at their

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will: that therefore no right of any denomination, can be cancelled, abridged, restrained or modified, by the Congress, by the Senate or House of Representatives acting in any capacity, by the President or any department or officer of the United States, except in those instances in which power is given by the Constitution for those purposes: and that among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States.

With these impressions, with a solemn appeal to the searcher of hearts for the purity of our intentions, and under the conviction, that, whatsoever imperfections may exist in the Constitution, ought rather to be examined in the mode prescribed therein, than to bring the Union into danger by a delay, with a hope of obtaining amendments previous to the ratification:

We the said Delegates, in the name and in behalf of the people of Virginia, do by these presents assent to, and ratify the Constitution recommended on the seventeenth day of September, one thousand seven hundred and eighty seven, by the Foederal Convention for the Government of the United States; hereby announcing to all those whom it may concern, that the said Constitution is binding upon the said People, according to an authentic copy hereto annexed, in the words following:

[Here follows the Constitution at large, which is omitted, having been so often printed.]

On motion, *Ordered*, That the Secretary of this Convention cause to be engrossed, forthwith, two fair copies of the form of ratification, and of the proposed Constitution of Government, as recommended by the Foederal Convention on the seventeenth day of September, one thousand seven hundred and eighty seven.

And then the Convention adjourned until to-morrow morning, twelve o'clock.

IN CONVENTION. FRIDAY, the 27th of JUNE, 1788.

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MR. Wythe reported, from the Committee appointed, such amendments to the proposed Constitution of Government for the United States, as were by them deemed necessary to be recommended to the consideration of the Congress which shall first assemble under the said Constitution, to be acted upon according to the mode prescribed in the fifth article thereof; and he read the same in his place, and afterwards delivered them in at the clerk's table, where the same were again read, and are as followeth:

That there be a Declaration or Bill of Rights asserting and securing from encroachment the essential and unalienable rights of the people in some such manner as the following:

1st. That there are certain natural rights of which men when they form a social compact cannot deprive or divest their posterity, among which are the enjoyment of life, and liberty, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. 3 [3]

2d. That all power is naturally vested in, and consequently derived from, the people; that magistrates therefore are their trustees, and agents, and at all times amenable to them.

3d. That the Government ought to be instituted for the common benefit, protection and security of the people; and that the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive to the good and happiness of mankind.

4th. That no man or set of men are entitled to exclusive or separate public emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge, or any other public office to be hereditary.

5th. That the legislative, executive and judiciary powers of government should be separate and distinct, and that the members of the two first may be restrained from oppression by feeling and participating the public burthens, they should at fixed periods be reduced to a private station, return into the mass of the people; and the vacancies be supplied by

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certain and regular elections, in which all or any part of the former members to be eligible or ineligible, as the rules of the Constitution of Government, and the laws shall direct.

6th. That elections of Representatives in the legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest with, and attachment to the community, ought to have the right of suffrage: and no aid, charge, tax or fee can be set, rated, or levied upon the people without their own consent, or that of their representatives, so elected, nor can they be bound by any law, to which they have not in like manner assented for the public good.

7th. That all power of suspending laws, or the execution of laws by any authority without the consent of the representatives, of the people in the legislature, is injurious to their rights, and ought not to be exercised.

8th. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty (except in the government of the land and naval forces) nor can he be compelled to give evidence against himself.

9th. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, privileges or franchises, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property but by the law of the land.

10th. That every freeman restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied nor delayed.

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11th. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolable.

12th. That every freeman ought to find a certain remedy by recourse to the laws for all injuries and wrongs he may receive in his person, property, or character. He ought to obtain right and justice freely without sale, completely and without denial, promptly and without delay, and that all establishments, or regulations contravening these rights, are oppressive and unjust.

13th. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

14th. That every freeman has a right to be secure from all unreasonable searches, and seizures of his person, his papers, and property; all warrants therefore to search suspected places, or seize any freeman, his papers or property, without information upon oath (or affirmation of a person religiously scrupulous of taking an oath) of legal and sufficient cause, are greivous and oppressive, and all general warrants to search suspected places, or to apprehend any suspected person without specially naming or describing the place or person, are dangerous and ought not to be granted.

15th. That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives; and that every freeman has a right to petition or apply to the Legislature for redress of grievances.

16th. That the people have a right to freedom of speech, and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

17th. That the people have a right to keep and bear arms; that a well regulated militia composed of the body of the people trained to arms, is the proper, natural and safe

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defence of a free state. That standing armies in time of peace are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that in all cases, the military should be under strict subordination to and governed by the civil power.

18th. That no soldier in time of peace ought to be quartered in any house without the consent of the owner, and in time of war in such manner only as the laws direct.

19th. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of an equivalent to employ another to bear arms in his stead.

20th. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and unalienable right to the [?] exercise of religion according to the dictates of conscience, and that no particular sect or society ought to be favored or established by law in preference to others.

AMENDMENTS TO THE CONSTITUTION.

1st. That each state in the union shall respectively retain every power, jurisdiction and right, which is not by this constitution delegated to the Congress of the United States, or to the departments of the Foederal Government.

2d. That there shall be one representative for every thirty thousand, according to the enumeration or census mentioned in the Constitution, until the whole number of representatives amounts to two hundred; after which that number shall be continued or encreased as Congress shall direct, upon the principles fixed in the Constitution, by apportioning the representatives of each state to some greater number of people from time to time as population encreases.

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3d. When Congress shall lay direct taxes or excises, they shall immediately inform the executive power of each state, of the quota of such state according to the census herein directed, which is proposed to be thereby raised; and if the legislature of any state shall pass a law which shall be effectual for raising such quota at the time required by Congress, the taxes and excises laid by Congress, shall not be collected in such state.

4th. That the members of the Senate and House of Representatives shall be ineligible to, and incapable of holding any civil office under the authority of the United States, during the time for which they shall respectively be elected.

5th. That the journals of the proceedings of the Senate and House of Representatives shall be published at least once in every year, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy.

6th. That a regular statement and account of the receipts and expenditures of all public money, shall be published at least once in every year.

7th. That no commercial treaty shall be ratified without the concurrence of two thirds of the whole number of the members of the Senate; and no treaty, ceding, contracting, or restraining or suspending the territorial rights or claims of the United States, or any of them, or their, or any of their rights or claims to fishing in the American seas, or navigating the American rivers, shall be made, but in cases of the most urgent and extreme necessity, nor shall any such treaty be ratified without the concurrence of three fourths of the whole number of the members of both houses respectively.

8th. That no navigation law or law regulating commerce shall be passed without the consent of two thirds of the members present, in both houses.

9th. That no standing army or regular troops shall be raised, or kept up in time of peace, without the consent of two thirds of the members present, in both houses.

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10th. That no soldier shall be inlisted for any longer term than four years, except in time of war, and then for no longer term than the continuance of the war.

11th. That each state respectively shall have the power to provide for organizing, arming and disciplining its own militia, whensoever Congress shall omit or neglect to provide for the same. That the militia shall not be subject to martial law, except when in actual service in time of war, invasion or rebellion, and when not in the actual service of the United States, shall be subject only to such fines, penalties and punishments as shall be directed or inflicted by the laws of its own state.

12th. That the exclusive power of legislation given to Congress over the Federal Town and its adjacent district, and other places purchased or to be purchased by Congress of any of the states, shall extend only to such regulations as respect the police and good government thereof.

13th. That no person shall be capable of being President of the United States for more than eight years in any term of sixteen years.

14th. That the judicial power of the United States shall be vested in one Supreme Court, and in such Courts of Admiralty as Congress may from time to time ordain and establish in any of the different states: The judicial power shall extend to all cases in law and equity arising under treaties made, or which shall be made under the authority of the United States; to all cases affecting ambassadors, other foreign ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, and between parties claiming lands under the grants of different States. In all cases affecting ambassadors, other foreign ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction; in all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, as to matters of **4 [4]** law only: except in cases of equity, and of admiralty and maritime jurisdiction, in which the Supreme Court

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shall have a appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make: But the judicial power of the United States shall extend to no case where the cause of action shall have originated before the ratification of this Constitution; except in disputes between States about their territory; disputes between persons claiming lands under the grants of different States, and suits for debts due to the United States.

15th. That in criminal prosecutions, no man shall be restrained in the exercise of the usual and accustomed right of challenging or excepting to the jury.

16th. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any state shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

17th. That those clauses which declare that Congress shall not exercise certain powers, be not interpreted in any manner whatsoever, to extend the powers of Congress; but that they be construed either as making exceptions to the specified powers where this shall be the case, or otherwise, as inserted merely for greater caution.

18th. That the laws ascertaining the compensation of Senators and representatives for their services, be postponed in their operation, until after the election of representatives immediately succeeding the passing thereof; that excepted, which shall first be passed on the subject.

19th. That some tribunal other than the Senate be provided for trying impeachments of Senators.

20th. That the salary of a judge shall not be encreased or diminished during his continuance in office otherwise than by general regulations of salary, which may take

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place on a revision of the subject at stated periods of not less than seven years, to commence from the [same?] such salaries shall be first ascertained by Congress.

AND the Convention do, in the name and behalf of the people of this Commonwealth, enjoin it upon their representatives in Congress to exert all their influence and use all reasonable and legal methods to obtain a **RATIFICATION** of the foregoing alterations and provisions in the manner provided by the fifth article of the said Constitution; and in all Congressional laws to be passed in the meantime, to conform to the spirit of these amendments as far as the said Constitution will admit.

And so much of the said amendment as is contained in the first twenty articles, constituting the Bill of Rights, being again read;

Resolved, That this Convention doth concur therein.

The other amendments to the said proposed Constitution, contained in twenty-one articles, being then again read, a motion was made, and the question being put, to amend the same by striking out the third article, containing these words: When Congress shall lay direct taxes or excises, they shall immediately inform the Executive power of each state, of the quota of such state according to the census herein directed, which is proposed to be thereby raised; and if the Legislature of any state shall pass a law which shall be effectual for raising such quota at the time required by Congress, the taxes and excises laid by Congress shall not be collected in such state.

It passed in the negative,—Ayes 65—Noes 85.

On motion of Mr. George Nicholas, seconded by Mr. Benjamin Harrison, the ayes and noes on the said question were taken as followeth: **AYES**— Mr. George Parker, Mr. George Nicholas, Mr. Wilson Nicholas, Mr. Zachariah Johnson, Mr. Archibald Stuart, Mr. William Dark, Mr. Adam Stephen, Mr. Martin M'Ferran, Mr. James Taylor (of Caroline) Mr. David Stuart, Mr. Charles Simms, Mr. Humphrey Marshall, Mr. Martin Pickett, Mr.

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Humphrey Brooke, Mr. John Shearman Woodcock, Mr. Alexander White, Mr. Warner Lewis, Mr. Thomas Smith, Mr. John Stuart, Mr. Daniel Fisher, Mr. Alexander Woodrow, Mr. George Jackson, Mr. John Prunty, Mr. Abel Seymour, His Excellency Governor Randolph, Mr. John Marshall, Mr. Nathaniel Burwell, Mr. Robert Andrews, Mr. James Johnson, Mr. Rice Bullock, Mr. Burdit Ashton, Mr. William Thornton, Mr. Henry Towles, Mr. Levin Powell, Mr. William Overton Callis, Mr. Ralph Wormeley, Mr. Francis Corbin, Mr. William M'Clerry, Mr. James Webb, Mr. James Taylor (of Norfolk) Mr. John Stringer, Mr. Littleton Eyre, Mr. Walter Jones, Mr. Thomas Gaskins, Mr. Archibald Woods, the Honorable James Madison, Mr. James Gordon (or Orange) Mr. William Ronald, Mr. Thomas Walke, Mr. Anthony Walke, Mr. Benjamin Wilson, Mr. John Wilson, Mr. William Peachey, Mr. Andrew Moore, Mr. Thomas Lewis, Mr. Gabriel Jones, Mr. Jacob Rinker, Mr. John Williams, Mr. Benjamin Blunt, Mr. Samuel Kello, Mr. John Allen, Mr. Cole Digges, Mr. Bushrod Washington, the Honorable George Wythe, and Mr. Thomas Mathews.

NOES— The Honorable Edmund Pendleton, Esq; President Mr. Edmund Custis, Mr. John Pride, Mr. William Cabell, Mr. Samuel Jordan Cabell, Mr. John Trigg, Mr. Charles Clay, Mr. William Fleming, Mr. Henry Lee (of Bourbon) Mr. John Jones, Mr. Binns Jones, Mr. Charles Patteson, Mr. David Bell, Mr. Robert Alexander, Mr. Edmund Winston, Mr. Thomas Read, the Honorable Paul Carrington, Mr. Benjamin Harrison, the Honorable John Tyler, Mr. David Patteson, Mr. Stephen Pankey, jun. Mr. Joseph Michaux, Mr. French Strother, Mr. Joseph Jones, Mr. Miles King, Mr. Worlich Westwood, Mr. Meriwether Smith, Mr. James Upshaw, Mr. John Fowler, Mr. Samuel Richardson, Mr. Joseph Haden, Mr. John Early, Mr. Thomas Arthurs, Mr. John Guerrant, Mr. William Sampson, Mr. Isaac Coles, Mr. George Carrington, Mr. Parke Goodall, Mr. John Carter Littlepage, Mr. Thomas Cooper, Mr. William Fleet, Mr. Thomas Roane, Mr. Holt Richeson, Mr. Benjamin Temple, Mr. James Gordon (of Lancaster) Mr. Stephens Thomson Mason, Mr. William White, Mr. Jonathan Patteson, Mr. John Logan, Mr. Henry Pawling, Mr. John Miller, Mr. Green Clay, Mr. Samuel Hopkins, Mr. Richard Kennon, Mr. Thomas Allen, Mr. Alexander Robertson, Mr. Walter Crocket, Mr. Abraham Trigg, Mr. Solomon Shepherd, Mr. William Clayton,

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Mr. Burwell Basset, Mr. Matthew Walton, Mr. John Steele, Mr. Robert Williams, Mr. John Wilson, Mr. Thomas Turpin, Mr. Patrick Henry, Mr. Edmund Ruffin, Mr. Theodorick Bland, Mr. William Grayson, Mr. Cuthbert Bullit, Mr. Walter Tomlin, Mr. William M'Kee, Mr. Thomas Carter, Mr. Henry Dickenson, Mr. James Monroe, Mr. John Dawson, Mr. George Mason, Mr. Andrew Buchanan, Mr. John Hartwell Cocke, Mr. John Howell Briggs, Mr. Thomas Edmonds, the Honorable Richard Cary, Mr. Samuel Edmison, and Mr. James Montgomery.

And then, the main question being put that this Convention doth concur with the Committee in the said amendments;

It was resolved in the affirmative.

On motion, *Ordered*, That the foregoing amendments be fairly engrossed upon parchment, signed by the President of this Convention, and by him transmitted, together with the ratification of the Foederal Constitution, to the United States in Congress assembled.

Extract from the Journal. **JOHN BECKLEY, SECRETARY** to the **CONVENTION**.

RICHMOND: *Printed by* **AUG. DAVIS**, *Printer to the Honorable Convention.*